IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.23307 of 2008
JITENDRA JHA & ORS
Versus
THE STATE OF BIHAR
---

3. **18.07.08.** Heard learned counsels for the petitioners and the State.

The petitioners are apprehending their arrest in connection with Nanpur P.S. Case No. 51/2004, registered under Sections 304B, 201 and 120B of the Indian Penal Code.

It is submitted on behalf of the petitioners that the present case has been filed for ulterior purpose. It would appear on perusal of the material available on the record that the deceased died on 3. 3. 2003, and on the same day father of the deceased received the body from the hospital and thereafter, nothing was done. The present case which has been lodged at the instance of the brother of the deceased after about fifteen months i. e. on 3.6.04, which was registered on 22. 6. 04. It is further submitted that the informant has given no reasonable explanation for such a long delay which creates serious doubt about the truthfulness of the allegation made on the complaint. The Petitioner No.1, is a distant relation and Petitioner Nos. 2 and 3 are father-in-law and mother-in-law of the deceased.

WEB COPY
NOT OFFICIAL

It is further submitted that the police after investigation thoroughly who in its objective findings found the case false and final form with recommendation to prosecute the informant u/ss 182/211 was made.

Learned A.P.P. appearing on behalf of the State, on perusal of the charge sheet, opposed the submissions made on behalf of the

petitioners.

Considering the above submissions and on perusal of the allegations levelled in the complaint petition as well as other materials brought on the record, it is directed that in the event of arrest or surrender within a period of four weeks from today, the petitioners, namely; Jitendra Jha, Jiveshwar Jha and Kamal Mukhi Devi shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Sitamarhi, in connection with Nanpur P.S. Case No. 51/2004, subject to the conditions as laid down under Sub Section 2 of Section 438 of Code of Criminal Procedure.

WEB COPY NOT OFFICIAL

M. Pal. **(Shailesh Kumar Sinha,J)**